

DETAILED ACTION

Allowance

1. Applicant's After-final amendment filed November 19, 2008 has been entered. Claims 26-29 are under examination. A telephonic interview was held with Susan Gorman and Mary Hess-Eliason on November 18, 2008. See interview Summary.

All rejections of record have been withdrawn.

Examiner's Reasons for Allowance

2. The prior art does not teach or suggest an oil-in-water emulsion comprising a Bacillus Calmette-Guerin cell wall skeleton encapsulated in an oil wherein the emulsion is dispersed without any visible crude particles and which have an average fine particles size in the range of 0.1 μm to 20 μm is negative for agglutination reaction with lectin and is obtained by the following steps:

(a) stirring a mixture of Bacillus Calmette-Guerin cell wall skeleton, an oil and an organic solvent to disperse the Bacillus Calmette-Guerin cell wall skeleton in the mixture;

(b) evaporating off the organic solvent to form an oil droplet wherein the Bacillus Calmette-Guerin cell wall skeleton is homogeneously dispersed, or an oil droplet wherein the Bacillus Calmette-Guerin cell wall skeleton is encapsulated in the oil; and then,

(c) adding an aqueous solution containing a surfactant thereto, and emulsifying the mixture.

The reasons for allowance is based on the declaration filed under 37 C.F.R.

1.132 submitted by Takehiko Normura on July 13, 2004. The declaration discloses that the oil-in-water emulsion claimed by Applicant has a more homogenous composition than those of the prior art.

Conclusion

Claims 26-29 have been allowed and renumbered 1-4, respectively.

.3 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa L. Ford whose telephone number is (571) 272-0857. The examiner can normally be reached on 9 am- 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on (571) 272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert B Mondesi/
Supervisory Patent Examiner, Art
Unit 1645

/Vanessa L. Ford/
Patent Examiner, Art Unit 1645
December 20, 2008